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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 MAEWEATHERS A. D. MARSHALL,
8 Petitioner,
9 v.
10 KEN CLARK, Acting Warden,¹
11 Respondent.

Case No. [18-cv-03246-YGR](#) (PR)

ORDER OF TRANSFER

12 Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus in which
13 he challenges the execution of his sentence. He seeks leave to proceed *in forma pauperis* ("IFP").

14 A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two
15 or more federal judicial districts may be filed in either the district of confinement or the district of
16 conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may
17 transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in
18 California traditionally have chosen to hear petitions challenging a conviction or sentence in the
19 district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v.*
20 *Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner
21 in which a sentence is being executed, e.g., if it involves parole or time credit claims, the district
22 of confinement is the preferable forum. *See Habeas L.R. 2254-3(a); Dunne v. Henman*, 875 F.2d
23 244, 249 (9th Cir. 1989).

24 Petitioner is incarcerated at California State Prison - Corcoran, which lies within the venue
25 of the Eastern District of California. *See* 28 U.S.C. § 84. Because Petitioner challenges the
26 execution of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C. § 1404(a) and

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28 ¹ Ken Clark, the current acting warden of the prison where Petitioner is incarcerated, has
been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

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1 Habeas L.R. 2254-3(b), and in the interests of justice, this petition be TRANSFERRED to the
2 United States District Court for the Eastern District of California.

3 All remaining motions are TERMINATED on this Court's docket as no longer pending in
4 this district.

5 IT IS SO ORDERED.

6 Dated: July 24, 2018

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8 YVONNE GONZALEZ ROGERS
9 United States District Judge

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